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GREAT FALLS, MT

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PATRICK E. DUFFY, CLERK

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

GREAT FALLS DIVISION

JEFFREY T. MEIER,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

No. CV-09-31-GF-SEH

**MEMORANDUM
AND ORDER**

This matter is before the Court on Plaintiff's renewed motion for an award of fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), or in the alternative, for an award of contract based fees and costs under the Social Security Act, 42 U.S.C. § 406(b).

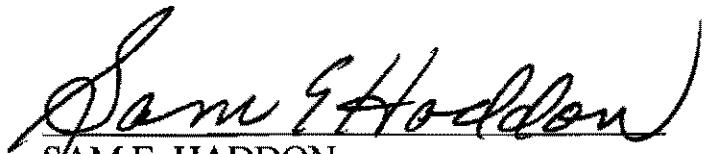
No less than 6 separate rulings were issued denying benefits before the Ninth Circuit Court of Appeals ordered benefits be paid. The position of the government in opposing the petition for benefits was substantially justified.

28 U.S.C. § 2412(d); Pierce v. Underwood, 487 U.S. 552, 563-64 (1988).

ORDER

1. The Motion for EAJA Fees and Costs¹ is DENIED.
2. The alternative Motion for Fees and Costs under § 406(b)² is GRANTED. Counsel has provided evidence of the fee agreement with Plaintiff and of past due benefits awarded. Fees of \$14,856.55 and costs of \$805.00 are approved.

DATED this 7th day of July, 2011.



Sam E. Haddon
SAM E. HADDON
United States District Judge

¹ Document No. 35-1

² Document No. 35-2